

The Village of Northfield

REGULAR COUNCIL MEETING

Agenda – May 9, 2018

Pledge of Allegiance

Call to Order; Roll Call; Approval of Minutes

Presentation of Petitions, Memorials and Remonstrances

Reports of Municipal Officers:

Jesse J. Nehez, Mayor
Tricia Ingrassia, Finance Director
Richard Wasosky, Engineer
Brad Bryan, Law Director

Department Heads:

John Zolgus, Police Chief
Jason Buss, Fire Chief
Jason Walters, Service/Building Superintendent

Reports of Municipal Boards and Commissions:

Alan Hipps, Planning Commission
Mayor Nehez, Recreation Board

Reports of Standing Committees:

Nicholas Magistrelli, Finance
Jennifer Domzalski, Roads and Public Works
Keith Czerr, Health and Welfare
Gary Vojtush, Wages and Working Conditions
Renell Noack, Fire and Safety
Alan Hipps, Buildings and Grounds

Legislation:

2018-30 – An Emergency Ordinance Establishing Sections 1268.11 and 1270.07 of the Planning and Zoning Code Relating to Car or Truck Rental Establishments (Third Reading)

2018-34 – An Emergency Ordinance Amending Section 1610.99 of the Village's Fire Prevention Code Relating to Civil Penalties for Violations of the Ohio Fire Code (Second Reading)

2018-35 – An Emergency Resolution Authorizing Certain Amendments to the 2018 Appropriation Resolution and/or Transferring Items Already Appropriated in that Resolution (First Reading)

Old Business; New Business; Announcements; Adjournment

**VILLAGE OF NORTHFIELD ORDINANCE NO. 2018-30
AN EMERGENCY ORDINANCE ESTABLISHING SECTIONS 1268.11 AND 1270.07
OF THE PLANNING AND ZONING CODE RELATING TO CAR OR TRUCK RENTAL
ESTABLISHMENTS**

WHEREAS, automobile and truck rental establishments present particular activity, noise, light, parking, vehicle circulation, cleanliness, and aesthetic challenges to the community; and

WHEREAS, many of the commercial parcels in the Village that are zoned for retail business or light industrial use abut residential zoning districts; and

WHEREAS, franchised automobile and truck rental establishments are required to meet rigorous standards established by their franchisors that will minimize the above concerns; and

WHEREAS, the Mayor and Council desire to enact Sections 1268.11 and 1270.07 of the Zoning Code in order to properly deal with the aforementioned zoning concerns.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Northfield, County of Summit, and State of Ohio:

SECTION 1. That the Council of the Village of Northfield hereby enacts Sections 1268.11 and 1270.07 of the Planning and Zoning Code as indicated in the attachment hereto.

SECTION 2. That the rest and remainder of the Codified Ordinances shall remain as presently drafted unless inconsistent herewith.

SECTION 3. That all formal actions of this Council concerning and relating to the deliberation and adoption of this Ordinance were taken in an open meeting of this Council or any of its legal committees and/or were in compliance with all legal requirements.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village of Northfield for the reason that it will assist with properly balancing particular residential and commercial development uses and concerns in the Village, and this Ordinance shall take immediate effect upon its signature by the Mayor, or upon the expiration of time within which it may be disapproved by the Mayor, or upon its passage after its disapproval by the Mayor, as the case may be, pursuant to Village of Northfield Charter Section 4.11.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____, 2018.

Nicholas Magistrelli, Pres. Pro-Tem of Council

Jesse J. Nehez, Mayor

Approved as to Legal Form.

Bradric T. Bryan, Director of Law

I, Tricia Ingrassia, Clerk of Council of the Village of Northfield, Summit County, Ohio, do hereby certify that the foregoing Ordinance was duly and regularly passed by Council at a meeting held on the _____ day of _____, 2018.

Tricia Ingrassia, Clerk of Council

1268.11 SUPPLEMENTAL REGULATIONS FOR CAR AND TRUCK RENTAL ESTABLISHMENTS.

The rental of automobiles and trucks in B-1 or B-2 Commercial districts shall be permitted only as follows, and in addition to the regulations provided in this Chapter, only in compliance with the following standards.

(a) An automobile or truck rental business means a retail business that rents automobiles or trucks to the public or any other person or entity.

(b) Automobile and truck rental businesses shall be located on lots no smaller than eighty-five thousand (85,000) square feet.

(c) Automobile and truck leasing businesses shall be franchised by and affiliated with a national or regional automobile or truck leasing company.

(d) Automobile and truck leasing businesses shall have a leasing office that is located in a fully enclosed building and has at least two thousand square feet of office space. In addition, in the event the business has a service garage customarily incidental to a full service, franchised, automobile and truck leasing business and franchise, such service garage shall be located in a wholly enclosed building.

(e) No junk, inoperative, or unlicensed vehicle will be permitted to remain outside on the property for more than forty-eight hours.

(f) All outdoor wiring, including electrical and telephone wiring, shall be installed underground.

(g) Lighting plans shall provide for zero foot candle levels at the property line, and there shall be no light passage beyond the property lines. Lighting shields necessary to screen the lights from adjacent residential properties shall be installed to the extent necessary so that the source of the light cannot be seen from the adjacent residential properties.

(h) Locations where such use abuts a residential district or dwelling shall provide a buffer zone of not less than fifty feet in depth as required by Section 1268.03 along the entire length of the common boundary between the commercial use and the residential use. This buffer zone shall be landscaped with grass, standard shrubs, and standard trees pursuant to Sections 1268.03 and Chapter 1288. In addition, a fence at least eight feet in height of a type permitted by Section 1282.05 shall be required along the entire length of the common boundary between the commercial use and the residential use.

(i) Businesses shall be required to comply with the parking requirements set forth in Chapter 1278, and sufficient provisions for handicapped parking and access for emergency vehicles shall be made.

(j) Automobile or truck rental businesses in existence at the time of the first introduction of this section and in continuous operation since the time of the first introduction or this section shall be permitted to continue their automobile or truck rental operations at their present location without having to conform to the requirements of this section.

1270.07 SUPPLEMENTAL REGULATIONS FOR CAR AND TRUCK RENTAL ESTABLISHMENTS.

The rental of automobiles and trucks in C-2 Light Industrial districts shall be permitted only as follows, and in addition to the regulations provided in this Chapter, only in compliance with the following standards.

(a) An automobile or truck rental business means a retail business that rents automobiles or trucks to the public or any other person or entity.

(b) Automobile and truck rental businesses shall be located on lots no smaller than eighty-five thousand (85,000) square feet.

(c) Automobile and truck leasing businesses shall be franchised by and affiliated with a national or regional automobile or truck leasing company.

(d) Automobile and truck leasing businesses shall have a leasing office that is located in a fully enclosed building and has at least two thousand square feet of office space. In addition, in the event the business has a service garage customarily incidental to a full service, franchised, automobile and truck leasing business and franchise, such service garage shall be located in a wholly enclosed building.

(e) No junk, inoperative, or unlicensed vehicle will be permitted to remain outside on the property for more than forty-eight hours.

(f) Lighting plans shall provide for zero foot candle levels at the property line, and there shall be no light passage beyond the property lines. Lighting shields necessary to screen the lights from adjacent residential properties shall be installed to the extent necessary so that the source of the light cannot be seen from the adjacent residential properties.

(g) Locations where such use abuts a residential district or dwelling shall provide a buffer zone of not less than fifty feet in depth as required by Section 1268.03 along the entire length of the common boundary between the commercial use and the residential use. This buffer zone shall be landscaped with grass, standard shrubs, and standard trees pursuant to Chapter 1288. In addition, a fence at least eight feet in height of a type permitted by Section 1282.05 shall be required along the entire length of the common boundary between the commercial use and the residential use.

(h) Businesses shall be required to comply with the parking requirements set forth in Chapter 1278, and sufficient provisions for handicapped parking and access for emergency vehicles shall be made.

(i) Automobile or truck rental businesses in existence at the time of the first introduction of this section and in continuous operation since the time of the first introduction of this section shall be permitted to continue their automobile or truck rental operations at their present location without having to conform to the requirements of this section.

VILLAGE OF NORTHFIELD ORDINANCE NO. 2018-34

**AN EMERGENCY ORDINANCE AMENDING SECTION 1610.99 OF THE VILLAGE'S
FIRE PREVENTION CODE RELATING TO CIVIL PENALTIES FOR VIOLATIONS OF
THE OHIO FIRE CODE**

WHEREAS, upon recommendation of the Fire Chief, the Mayor and Council wish to amend Section 1610.99 of the Village's Fire Prevention Code relating to civil penalties for violations of the Ohio Fire Code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Northfield, County of Summit, and State of Ohio:

SECTION 1. That the Council of the Village of Northfield hereby amends Section 1610.99 of the Fire Prevention Code as indicated in the attachment hereto.

SECTION 2. That the rest and remainder of the Codified Ordinances shall remain as presently drafted unless inconsistent herewith.

SECTION 3. That all formal actions of this Council concerning and relating to the deliberation and adoption of this Ordinance were taken in an open meeting of this Council or any of its legal committees and/or were in compliance with all legal requirements.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village of Northfield for the reason that it assists in clarifying issues associated with enforcement of the Ohio Fire Code in the Village, and this Ordinance shall take immediate effect upon its signature by the Mayor, or upon the expiration of time within which it may be disapproved by the Mayor, or upon its passage after its disapproval by the Mayor, as the case may be, pursuant to Village of Northfield Charter Section 4.11.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day
of _____, 2018.

Nicholas Magistrelli, Pres. Pro-Tem of Council

Jesse J. Nehez, Mayor

Approved as to Legal Form.

Bradric T. Bryan, Director of Law

I, Tricia Ingrassia, Clerk of Council of the Village of Northfield, Summit County, Ohio, do hereby certify that the foregoing Ordinance was duly and regularly passed by Council at a meeting held on the _____ day of _____, 2018.

Tricia Ingrassia, Clerk of Council

1610.99 PENALTY.

(a) Criminal Penalties.

(1) Except as a violation of Ohio R.C. 2923.17 involves subject matter covered by the Ohio Fire Code, and except as such a violation is covered by Ohio R.C. 3737.99(G), whoever violates Section 3737.51(A) of the Ohio Revised Code, or Section 1610.035 or Section 1610.05(a) of this Chapter, is guilty of a misdemeanor of the first degree.

(2) Whoever violates Section 1610.05(b) or 1610.06 is guilty of a minor misdemeanor.

(3) Whoever violates Section 1610.07 or 1610.09 is guilty of a misdemeanor of the fourth degree.

(4) Whoever violates Section 1610.08 or 1610.10 is guilty of a misdemeanor of the third degree.

(b) Civil Penalties.

(1) Any person who has received a citation for a serious violation of the Ohio Fire Code or any order issued pursuant to it shall be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each such violation.

(2) Any person who has received a citation for a serious violation of the Ohio Fire Code or any order issued pursuant to it, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty ~~of not more than one thousand dollars (\$1,000) for each such violation of~~ not more than the following amounts. Violations determined not to be serious violations or cited as less than serious violations shall be assessed a civil penalty of not more than five hundred dollars (\$500) for major violations, not more than two hundred fifty dollars (\$250) for moderate violations, and not more than one hundred fifty dollars (\$150) for minor violations.

(3) Any person who fails to correct a violation for which a citation has been issued within the period permitted for its correction, may be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each day during which such failure or violation continues.

(4) Any person who violates any of the posting requirements prescribed by Ohio R.C. 3737.42(C), or a substantially similar municipal ordinance, shall be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each such violation.

(5) Due consideration to the appropriateness of the penalty with respect to the gravity of the violation, the good faith of the person being charged, and the history of previous violations shall be given whenever a penalty is assessed under this chapter.

(6) For purposes of this section, a serious violation shall be considered to exist if there is a substantial probability that an occurrence causing death or serious physical harm to persons could result from a condition which exists, or from one or more practices, means, methods, operations or processes which

have been adopted or are in use, unless the person did not and could not, with the exercise of reasonable diligence, know of the presence of the violation.

(7) Civil penalties imposed under this chapter shall be paid to the Clerk of Council Village of Northfield Director of Finance for deposit into the General Fund. Such penalties may be recovered in a civil action in the name of the Municipality brought in the Court of Common Pleas.

VILLAGE OF NORHTFIELD RESOLUTION NO. 2018-35

**AN EMERGENCY RESOLUTION AUTHORIZING CERTAIN AMENDMENTS TO THE
2018 APPROPRIATION RESOLUTION AND/OR TRANSFERRING ITEMS ALREADY
APPROPRIATED IN THAT RESOLUTION**

WHEREAS, as the result of certain occurrences, information, and expenditures, amendments to the year 2018 Appropriation Resolution and/or transfers of items already appropriated in the Appropriation Resolution are required.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Northfield, County of Summit, and State of Ohio:

SECTION 1. That in order to provide for certain expenditures during the 2018 calendar year, Council hereby and herein authorizes the amendments to the Year 2018 Appropriation Resolution and transfers of items already appropriated in the Year 2018 Appropriation Resolution in the amounts and to the funds set forth in the attachment hereto that is incorporated herein by reference.

SECTION 2. That all formal actions of the Council concerning and relating to the deliberation and adoption of this Resolution were taken in an open meeting of this Council or any of its committees and were in compliance with all legal requirements.

SECTION 3. That this Resolution is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village of Northfield for the reason that this action is required by state law and is necessary for the operation of the Village government, and that this Resolution shall take immediate effect upon its signature by the Mayor, or upon the expiration of time within which it may be disapproved by the Mayor, or upon its passage after its disapproval by the Mayor, as the case may be, pursuant to Village of Northfield Charter Section 4.11.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____, 2018.

Nicholas Magistrelli, President Pro-Tem of Council

Jesse J. Nehez, Mayor

Approved as to Legal Form

Bradric T. Bryan, Director of Law

I, Tricia Ingrassia, Clerk of Council of the Village of Northfield, Summit County, Ohio do hereby certify that the foregoing Resolution was duly and regularly passed by Council at a meeting held on the _____ day of _____, 2018.

Tricia Ingrassia, Clerk of Council